

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

UNITED STATES OF AMERICA	:	Hon.
	:	
	:	
v.	:	
	:	Crim. No. 04-677 (WGB)
	:	
LUIS FERREIRA,	:	18 U.S.C. §§ 371, 2314 and 2
CHRISTOPHER HEINS and	:	
ANTHONY CARUSO, JR.	:	INDICTMENT

The United States Grand Jury in and for the District of New Jersey, sitting in
Newark, charges that:

COUNT ONE

1. At all times relevant to this Indictment:

a. Richard Dyson, a co-conspirator not named as a defendant herein, who
was a New Jersey resident who worked in the Management Information Systems (hereafter
“MIS”) departments of telemarketing companies.

b. Civic Development Group (hereafter “CDG”), a telemarketing firm which
conducted organized fund-raising campaigns for charities and organizations, was located in
Edison, New Jersey, among other places.

c. Community Affairs Incorporated, a/k/a Powertel, Inc., (hereafter “CAI”),
a telemarketing company which was one of CDG’s competitors, was located in Woodbridge,
New Jersey, among other places.

d. Defendant LUIS FERREIRA was a co-owner of CAI and was an

organizer and leader of a criminal activity that involved five or more participants and was otherwise extensive.

e. Defendant CHRISTOPHER HEINS was a co-owner of CAI and was an organizer and leader of a criminal activity that involved five or more participants and was otherwise extensive.

f. Defendant ANTHONY CARUSO, JR. worked in the MIS department at CAI.

g. Telemarketing companies such as CAI and CDG often devoted a significant portion of their resources to develop and maintain a customer database containing the names of individuals who had donated to telemarketing campaigns in the past. When the telemarketing companies conducted a telemarketing campaign for a particular entity, they created calling lists of names drawn from the main customer database. This customer database was very valuable to telemarketing companies because if an individual was a known prior donor, that is, someone who had donated money to a telemarketing campaign in the past, that individual was more likely to give to another campaign in the future than someone who had never given before.

h. Over the course of several years, CDG developed a database that contained the names of several million prior donors which greatly enhanced its ability to earn money through telemarketing. This database was CDG's most valuable asset and constituted proprietary information.

i. Telemarketing companies such as CAI and CDG usually entered into contracts with the organizations for which they raised money. Many of the telemarketing

companies, including CAI, contracted to provide the organization a minimum amount of money per year or a percentage of the gross amount of money raised by the telemarketing campaign, generally ranging from ten to fifteen percent, whichever was greater. Another type of contract employed by CAI provided a straight percentage contract with no guarantee to raise a minimum amount of money. CAI contracts generally provided that CAI would retain between eighty and ninety percent of the total amount raised during the campaign. From the proceeds received by CAI, the company paid its expenses which included, among other things, the cost of mailings which were sent to a donor after the donor made a promise to contribute during a telemarketing call, telephone bills, and telemarketers' salaries.

j. Using proprietary information taken from CDG, CAI conducted many campaigns for charities including the Children's Cancer Assistance Network (hereinafter "Children's Cancer") which also did business under other names, including Tomorrow's Abundance and Abundant Life Foundation, Inc. CAI conducted campaigns to raise money for Children's Cancer in several states, including Maryland, Louisiana, Georgia and Mississippi. For example, from October 1999 to June 2001 CAI raised approximately \$1.4 million nationwide in the name of Children's Cancer. CAI retained approximately \$1.3 million of the total money raised and Children's Cancer received the remainder, approximately \$135,000.

k. Approximately six million donor names and telephone numbers were taken from CDG. This information had a fair market value of approximately 3.6 million dollars.

l. The offenses set forth below involved more than minimal planning.

The Conspiracy

2. From at least in or about May 1999 to the present in the District of New Jersey,

and elsewhere, the defendants,

LUIS FERREIRA,
CHRISTOPHER HEINS and
ANTHONY CARUSO, JR.,

did knowingly and willfully conspire and agree with each other, with Richard Dyson and with others to transport in interstate commerce goods and merchandise, primarily calling lists constituting proprietary information, having a value in excess of \$5,000, knowing the same to have been stolen, contrary to Title 18, United States Code, Section 2314.

The Object of the Conspiracy

3. The object of the conspiracy was to steal calling lists from CDG which contained proprietary information and which greatly enhanced the defendants' ability to make money for themselves and for CAI.

The Manner and Means of the Conspiracy

4. It was part of this conspiracy that in or about May or June 1999, defendant LUIS FERREIRA contacted Richard Dyson, who was then working in the MIS department at CDG, to discuss the possibility of Richard Dyson going to work for defendants LUIS FERREIRA and CHRISTOPHER HEINS at CAI.

5. It was further part of the conspiracy that while Richard Dyson was still working for CDG, defendant LUIS FERREIRA asked Richard Dyson to steal CDG's proprietary customer database which was stored in CDG's Woodbridge, New Jersey office. In or about July 1999, defendant LUIS FERREIRA instructed a CAI employee to purchase a thirty (30) gigabyte external data drive and blank cartridges to facilitate the copying of CDG's database and provide them to Richard Dyson.

6. It was further part of the conspiracy that Richard Dyson copied portions of CDG's database to the cartridges and delivered the stolen proprietary information to CAI employees who then uploaded it to CAI's computer system which was located in Woodbridge, New Jersey.

7. It was further part of the conspiracy that in or about August 1999, Richard Dyson was hired to work for CAI's MIS department. In addition to performing the normal duties required of him at CAI, defendants LUIS FERREIRA and CHRISTOPHER HEINS instructed Richard Dyson to work at home organizing the data taken from CDG.

8. It was further part of the conspiracy that defendants LUIS FERREIRA, CHRISTOPHER HEINS and ANTHONY CARUSO, JR. would contact Richard Dyson at his home and instruct him to send to CAI calling lists containing names taken from CDG's customer database which targeted individuals living in a particular region or state.

9. It was further part of the conspiracy that once the information was organized by Richard Dyson, it was then sent from his personal e-mail account to CAI. In or about September 1999, Richard Dyson received a zip drive from CAI which he thereafter used to provide CAI with zip disks containing the above-described calling lists on a weekly basis.

10. It was further part of the conspiracy that in or about January 2000, defendant LUIS FERREIRA instructed Richard Dyson to work full time from his home so that Richard Dyson could provide CAI with more information from CDG's proprietary customer database. Defendant LUIS FERREIRA arranged for Richard Dyson to use a modem connection which allowed him to directly dial from home into the computer system at CAI.

11. It was further part of the conspiracy that for several months, Richard Dyson provided CAI with approximately three hundred thousand (300,000) names per week of

individuals which had been taken from CDG's database.

12. It was further part of the conspiracy that in addition to his regular salary, Richard Dyson was paid by defendants LUIS FERREIRA and CHRISTOPHER HEINS for providing the proprietary information which belonged to CDG.

13. It was further part of the conspiracy that once the stolen proprietary information was received by CAI and uploaded to its computer system by ANTHONY CARUSO JR. and others in the MIS department, it would be distributed to CAI's call centers which were located in Georgia and West Virginia, among other places, and used for telemarketing.

Overt Acts

In furtherance of the conspiracy and to effect its object, the following overt acts were committed in the District of New Jersey and elsewhere:

14. On or about July 19, 1999, at the request of defendant LUIS FERREIRA, an employee of CAI purchased a 30 gigabyte external drive and three tape cartridges which were given to Richard Dyson so that he could copy portions of CDG's customer database.

15. On or about July 20, 1999, Richard Dyson began to copy portions of CDG's customer database.

16. In or about July or August 1999, Richard Dyson met a CAI employee at a parking lot and delivered a cartridge filled with calling lists containing information that Richard Dyson had taken from CDG.

17. On or about November 17, 1999, CAI employees at the call center in Keyser, West Virginia began a telemarketing campaign titled "CHILDRENS CANCER MD SP1." At the direction of defendants LUIS FERREIRA and CHRISTOPHER HEINS, defendant

ANTHONY CARUSO, JR. and other employees in the MIS department in Woodbridge, New Jersey uploaded calling lists from the Woodbridge, New Jersey computer network to the auto-dialer located in Keyser, West Virginia. The calling lists were comprised of names and telephone numbers that Richard Dyson had taken from CDG.

18. On or about December 27, 1999, CAI employees at the call center in Keyser, West Virginia began a telemarketing campaign titled “CHILDRENS CANCER LA SP1.” At the direction of defendants LUIS FERREIRA and CHRISTOPHER HEINS, defendant ANTHONY CARUSO, JR. and other employees in the MIS department uploaded calling lists from the Woodbridge, New Jersey computer network to the auto-dialer located in Keyser, West Virginia. The calling lists were comprised of names and telephone numbers that Richard Dyson had taken from CDG.

19. On or about January 11, 2000, CAI employees at the call center in Keyser, West Virginia began a telemarketing campaign titled “CHILDRENS CANCER GA SP1.” At the direction of defendants LUIS FERREIRA and CHRISTOPHER HEINS, defendant ANTHONY CARUSO, JR. and other employees in the MIS department uploaded calling lists from the Woodbridge, New Jersey computer network to the auto-dialer located in Keyser, West Virginia. The calling lists were comprised of names and telephone numbers that Richard Dyson had taken from CDG.

20. On or about January 14, 2000, CAI employees at the call center in Keyser, West Virginia began a telemarketing campaign titled “CHILDRENS CANCER MS SP1.” At the direction of defendants LUIS FERREIRA and CHRISTOPHER HEINS, defendant ANTHONY CARUSO, JR. and other employees in the MIS department uploaded calling lists from the

Woodbridge, New Jersey computer network to the auto-dialer located in Keyser, West Virginia. The calling lists were comprised of names and telephone numbers that Richard Dyson had taken from CDG.

21. On or about March 3, 2000, defendant ANTHONY CARUSO, JR., and other CAI employees in the MIS department in Woodbridge, New Jersey, received and opened computer files containing names and telephone numbers which had been taken from CDG's customer database. This information had been uploaded to CAI by Richard Dyson from his home computer.

In violation of Title 18, United States Code, Section 371.

COUNT TWO

1. Paragraphs 1 and 4 through 17 of Count One are realleged and incorporated herein.

2. On or about November 17, 1999, in the District of New Jersey, and elsewhere, the defendants,

LUIS FERREIRA,
CHRISTOPHER HEINS and
ANTHONY CARUSO, JR.,

did knowingly and willfully transport in interstate commerce goods and merchandise, primarily calling lists constituting proprietary information, having a value in excess of \$5,000, knowing the same to have been stolen.

In violation of Title 18, United States Code, Sections 2314 and 2.

COUNT THREE

1. Paragraphs 1, 4 through 16, and 18 of Count One are realleged and incorporated herein.

2. On or about December 27, 1999, in the District of New Jersey, and elsewhere, the defendants,

LUIS FERREIRA,
CHRISTOPHER HEINS and
ANTHONY CARUSO, JR.,

did knowingly and willfully transport in interstate commerce goods and merchandise, primarily calling lists constituting proprietary information, having a value in excess of \$5,000, knowing the same to have been stolen.

In violation of Title 18, United States Code, Sections 2314 and 2.

COUNT FOUR

1. Paragraphs 1, 4 through 16, and 19 of Count One are realleged and incorporated herein.

2. On or about January 11, 2000, in the District of New Jersey, and elsewhere, the defendants,

LUIS FERREIRA,
CHRISTOPHER HEINS and
ANTHONY CARUSO, JR.,

did knowingly and willfully transport in interstate commerce goods and merchandise, primarily calling lists constituting proprietary information, having a value in excess of \$5,000, knowing the same to have been stolen.

In violation of Title 18, United States Code, Sections 2314 and 2.

COUNT FIVE

1. Paragraphs 1, 4 through 16, and 20 of Count One are realleged and incorporated herein.

2. On or about January 14, 2000, in the District of New Jersey, and elsewhere, the defendants,

LUIS FERREIRA,
CHRISTOPHER HEINS and
ANTHONY CARUSO, JR.,

did knowingly and willfully transport in interstate commerce goods and merchandise, primarily calling lists constituting proprietary information, having a value in excess of \$5,000, knowing the same to have been stolen.

In violation of Title 18, United States Code, Sections 2314 and 2.

A TRUE BILL

FOREPERSON

CHRISTOPHER J. CHRISTIE
UNITED STATES ATTORNEY